



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1994

Mr. Arturo G. Michel
Bracewell & Patterson
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781

OR94-373

Dear Mr. Michel:

On behalf of the Victoria Independent School District (the "school district"), you seek clarification of our ruling in Open Records Letter No. 94-237 (1994), in which this office determined that the school district must withhold certain information under the Texas Open Records Act, Government Code chapter 552. In addition, you have discovered additional information responsive to the request addressed in Open Records Letter No. 94-237 and seek our determination with respect to that information. We assigned your request ID# 26972.


The school district received a request for a copy of a certain school teacher's personnel file. You advise us that some of the requested information has been made available to the requestor in accordance with Open Records Letter No. 94-237. However, you continue to object to release of some of the information addressed in Open Records Letter No. 94-237 and claim that sections 552.101 and 552.114 of the Government Code except it from required public disclosure. We have examined the information submitted with your previous request for a determination ("Tab 8") and have marked the information that the school district must withhold under the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, incorporated into the Open Records Act by section 552.026 of the Government Code.

In addition, you ask whether the school district must withhold any of the remaining information submitted to us for review. You do not expressly assert any of the exceptions enumerated in subchapter C of the Open Records Act with respect to this additional information. Nonetheless, because section 552.352(a) of the Government Code prohibits the release of information made confidential by law, the attorney general will assert applicable mandatory exceptions to required public disclosure on behalf of a governmental body. *See, e.g.,* Open Records Decision Nos. 481, 480 (1987); 344 (1982).

We have examined the information submitted to us for review. Except as noted above, we are unaware of any law that makes the submitted information confidential. Accordingly, we conclude that the school district must release all but the information that we have marked.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SG/GCK/rho

Ref.: ID# 26972

Enclosures: Marked documents

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